

# Title 38: WATERS AND NAVIGATION

## Chapter 1: OPERATION OF VESSELS

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**Maine Revised Statutes**  
**Title 38: WATERS AND NAVIGATION**  
**Chapter 1: OPERATION OF VESSELS**

**Subchapter 1: HARBOR MASTERS**

**§1. APPOINTMENT; COMPENSATION**

The municipal officers of a town that borders or contains territorial waters, on request by any person desiring mooring privileges or regulation of mooring privileges for boats or vessels, shall appoint a harbor master for a term of not less than one year, who is subject to all the duties and liabilities of that office as prescribed by state law, municipal ordinances and regulations adopted by the municipal officers, municipal harbor commissioners, municipal port authorities or other such bodies empowered to regulate municipal harbors. The municipal officers may establish the harbor master's compensation and, for cause by them declared in writing, after due notice to the officer and hearing, if requested, remove the harbor master and appoint another one. [2005, c. 492, §4 (AMD).]

The municipal officers may prohibit a harbor master from making arrests or carrying a weapon. A harbor master may not make arrests or carry a firearm unless the harbor master has successfully completed the training requirements prescribed in Title 25, section 2804-I. Any law enforcement officer vested with the authority to carry a weapon and make arrests has the authority to enforce this subchapter. [1999, c. 682, §6 (AMD).]

For purposes of this section, "territorial waters" has the same meaning as provided in Title 12, section 6001, subsection 48-B. [2005, c. 492, §4 (NEW).]

**SECTION HISTORY**

1977, c. 696, §330 (AMD). 1985, c. 531, §2 (AMD). 1985, c. 692, §§1,4 (RPR). 1987, c. 412, §§1,8 (RPR). 1987, c. 655, §1 (AMD). 1999, c. 682, §6 (AMD). 2005, c. 492, §4 (AMD).

**§1-A. TRAINING**

The following provisions govern the training of harbor masters and deputy harbor masters appointed pursuant to section 1 or 2. [2005, c. 525, §1 (NEW).]

**1. Basic training course.** A person appointed or reappointed a harbor master or a deputy harbor master after August 31, 2006 must complete a basic harbor master training course offered by a statewide harbor masters association within one year after being appointed or reappointed unless that person has previously completed such a course. The person appointed or reappointed a harbor master or deputy harbor master shall pay the cost of the training required under this subsection.

[2005, c. 525, §1 (NEW) .]

**2. Reimbursement.** Nothing in this section may be construed to prohibit a municipality, at its sole discretion, from reimbursing a harbor master or deputy harbor master for the cost of training under this section.

[2005, c. 525, §1 (NEW) .]

**3. Additional training.** Nothing in this section may be construed to prohibit a municipality from requiring a harbor master or deputy harbor master to obtain training beyond that required by this section.

[ 2005, c. 525, §1 (NEW) .]

#### SECTION HISTORY

2005, c. 525, §1 (NEW).

## §2. RULES FOR CHANNEL LINES; ENFORCEMENT

The municipal officers of all maritime towns and plantations, other bodies empowered to regulate municipal harbors and the county commissioners in the case of maritime unorganized townships may make rules and regulations, with suitable provision for enforcement, to keep open convenient channels for the passage of vessels in the harbors and waterways of the towns or townships for which they act, and may establish the boundary lines of those channels and assign suitable portions of their harbors and other coastal and tidal waters within their jurisdiction for anchorages. [1987, c. 655, §2 (AMD).]

In the event fishing gear is within the boundary lines of a channel in violation of local rules, the harbor master may issue a warning of navigational interference and may commence court action to order removal of that gear. [1987, c. 655, §2 (NEW).]

Such rules and regulations as may be made by those municipal officers, other bodies empowered to regulate harbors or county commissioners shall be enforced and carried out by the harbor master of that town or unorganized township, or any other law enforcement officer of the State or any political subdivision of the State. [1987, c. 655, §2 (AMD).]

The harbor master may appoint deputies who, under his direction, shall enforce and carry out the rules and regulations of this section. [1987, c. 412, §§ 2, 8 (NEW).]

#### SECTION HISTORY

1965, c. 242, (AMD). 1987, c. 412, §§2,8 (AMD). 1987, c. 655, §2 (AMD).

## §3. MOORING SITES

In all harbors wherein channel lines have been established by the municipal officers, as provided in section 2, and in all other coastal and tidal waters, harbors and great ponds where mooring rights of individuals are claimed to be invaded and protection is sought of the harbor master, the harbor master shall assign and indicate only to the masters or owners of boats and vessels the location that they may occupy for mooring purposes and shall change the location of those moorings from time to time when the crowded condition of that harbor or great pond, the need to conform to section 7-A or other conditions render the change desirable. [1991, c. 838, §16 (AMD).]

Unless permitted by an ordinance adopted under section 3-A, mooring assignments may not be transferred. Assignments may not be rented unless the provision for rental was part of the agreement when the mooring was assigned. [1991, c. 685, §1 (AMD).]

Assignment of these mooring privileges does not confer any right, title or interest in submerged or intertidal lands owned by the State. To the extent that there is any inconsistency between this subchapter and any law that establishes or otherwise provides for a port authority, board of harbor commissioners or similar authority for any coastal waters of the State, that inconsistency must be resolved in favor of this subchapter. [2003, c. 660, Pt. A, §23 (AMD).]

Whenever practicable, the harbor master shall assign mooring privileges in those waters where individuals own the shore rights to a parcel of land, are masters or owners of a boat or vessel and are complainants, and shall locate suitable mooring privileges therefor for boats and vessels, temporarily or permanently, as the case may be, fronting their land, if so requested, but not to encroach upon the natural channel or channels established by municipal officers; provided that not more than one mooring may be assigned to any shorefront parcel of land under this privilege. Notwithstanding section 11, persons who, prior

to January 1, 1987, owned shore rights of at least 100 feet of frontage regardless of the size of the lot have mooring privileges assigned according to this section. The limitation of one mooring assigned under this privilege does not prevent the owner of a shorefront parcel from receiving additional mooring assignments under the allocation system for all other residents. [2003, c. 660, Pt. A, §23 (AMD).]

A harbor master may refuse to assign mooring privileges to any vessel or boat owner or master who has not paid any fee, charge for services, forfeiture or penalty levied pursuant to this subchapter. [1987, c. 655, §3 (NEW).]

Municipalities may not charge mooring fees for and do not have jurisdiction over the siting or specifications of structural moorings used to secure aquaculture equipment within the boundaries of a lease site when that site's lease is issued pursuant to Title 12, section 6072, 6072-A or 6072-B. [2003, c. 660, Pt. A, §23 (NEW).]

Municipalities have jurisdiction over boat and vessel moorings within the boundaries of a lease site when that site's lease is issued pursuant to Title 12, section 6072, 6072-A or 6072-B. A municipality may not charge a mooring fee for a boat or vessel within the boundaries of a lease that is inconsistent with that municipality's other mooring fees for commercial vessels. [2003, c. 660, Pt. A, §23 (NEW).]

A harbor master, a code enforcement officer or, in the case of a great pond located in an unorganized territory, a board of county commissioners of the county in which the unorganized territory is located may direct the master or owner of a boat or vessel to remove that person's mooring or floating dock from a great pond if the harbor master, code enforcement officer or the board of county commissioners determines that leaving the mooring or floating dock in during ice-in conditions would create a public safety hazard. [2015, c. 105, §1 (NEW).]

#### SECTION HISTORY

1987, c. 412, §§3,8 (RPR). 1987, c. 655, §3 (RPR). 1991, c. 685, §1 (AMD). 1991, c. 838, §16 (AMD). 2003, c. 660, §A23 (AMD). 2015, c. 105, §1 (AMD).

### **§3-A. MOORING TRANSFER PERMITTED BY ORDINANCE**

A municipality may adopt an ordinance that allows the transfer of a mooring assignment used for commercial fishing purposes. The ordinance may permit a mooring assignment to be transferred only at the request or death of the assignee, only to a member of the assignee's family and only if the mooring assignment will continue to be used for commercial fishing purposes. For the purposes of this section, "member of the assignee's family" means an assignee's parent, child or sibling, by birth or by adoption, including a relation of the half blood, or an assignee's spouse. [1993, c. 66, §1 (AMD).]

#### SECTION HISTORY

RR 1991, c. 2, §140 (COR). 1991, c. 685, §2 (NEW). 1993, c. 66, §1 (AMD).

### **§4. NEGLECTING TO REMOVE OR REPLACE MOORINGS**

In case of the neglect or refusal of the master or owner of any boat or vessel to remove his mooring or to replace it by one of different character, when so directed by the harbor master, that harbor master shall cause the entire mooring to be removed or the buoy removed and the chain dropped to the bottom or shall make such change in the character of the mooring as required, and collect from the master or owner of that boat or vessel the sum of \$100 for either of those services rendered and the necessary expenses. [1987, c. 412, §§ 4, 8 (RPR).]

Before removing a mooring or a buoy, a harbor master shall notify the master or owner, if ownership can be determined, by mail at his last known address of the action desired of him, the fact that the mooring will be removed and the fine. If the matter is not settled to his satisfaction within 2 weeks, the harbor master may take the action provided for in this section. [1987, c. 412, §§ 4, 8 (NEW).]

SECTION HISTORY

1987, c. 412, §§4,8 (RPR).

## **§5. REMOVAL OF VESSELS OBSTRUCTING ANCHORAGE**

A harbor master, upon receiving complaint from the master, owner or agent of any vessel, shall cause any other vessel or vessels obstructing the free movement or safe anchorage of that vessel to remove to a position to be designated by the harbor master and shall cause, without any complaint being made to the harbor master, any vessels anchoring within the channel lines as established by the municipal authorities, as provided in section 2, to remove to such anchorage as the harbor master may designate. [1987, c. 655, §4 (AMD).]

If that vessel has no crew on board or if the master or other person in charge neglects or refuses to move such vessel as directed by the harbor master, the harbor master may put a suitable crew on board and move that vessel to a suitable berth at a wharf or anchorage at the cost and risk of the owners of the vessel and shall charge \$100, to be paid by the master or owner of that vessel, which charge, together with the cost of the crew for removing that vessel the harbor master may collect by civil action. [1987, c. 412, §§ 5, 8 (RPR).]

SECTION HISTORY

1977, c. 696, §331 (AMD). 1987, c. 412, §§5,8 (RPR). 1987, c. 655, §4 (AMD).

## **§6. POWER TO ARREST FOR ASSAULT**

Harbor masters, whose authority is not restricted as described in section 1, may arrest and deliver to the police authorities on shore any person committing an assault upon them or another person acting under their authority. [1985, c. 531, §3 (AMD).]

SECTION HISTORY

1985, c. 531, §3 (AMD).

## **§7. RELATION TO OTHER LAWS**

Nothing in this subchapter may be construed to be a limitation on the authority of municipalities to enact ordinances to regulate the assignment or placement of moorings and other activities in their harbors. These ordinances may include, but are not limited to: A process for assigning mooring privileges and determining the location of moorings; a waiting list for the assignment of mooring privileges; a fee schedule; construction standards for moorings; time limits on the mooring of vessels; a process for appeals from decisions of the harbor master; provisions that recognize that mooring privileges in lawful existence on the effective date of an ordinance may be preserved or continued after adoption of that ordinance, the location and use to be determined by the harbor master or other appropriate local authority; and provisions that establish a harbor commission or committee to administer the ordinance or ordinances and oversee the duties of the harbor master. Regulations adopted by the municipal officers under section 2 remain in effect unless the municipality's legislative body enacts an ordinance pertaining to the same matter pursuant to the Constitution of Maine, Article VIII, Part 2, and Title 30-A, section 3001. [1997, c. 89, §1 (AMD).]

SECTION HISTORY

1985, c. 692, §§2,4 (NEW). 1987, c. 412, §§6,8 (AMD). 1987, c. 655, §5 (RPR). 1997, c. 89, §1 (AMD).

## §7-A. WAITING LISTS; NONRESIDENT MOORINGS

**1. Waiting lists.** If a municipality receives more applications for mooring privileges on state-owned lands that are controlled by its rules or ordinances than there are mooring spaces, the municipality shall assign spaces as they become available from a waiting list or lists according to its rules or ordinances, except as provided in this section. Waiting lists in effect at the time that this section becomes law may continue in effect, but persons shall be selected from those lists in accordance with the allocation provisions of this section. If at the time a person applies for a mooring there is no waiting list, this person may be assigned a mooring without regard to the allocation provisions of this section.

[ 1987, c. 655, §6 (NEW) . ]

**2. Allocations to nonresidents.** If there are applicants who are nonresidents who wish to moor a vessel the principal use of which is noncommercial and less than 10% of the moorings are currently assigned to persons fitting this description, the next mooring available shall be assigned to the first such person on the list. If there are applicants who are nonresidents who wish to moor a vessel the principal use of which is commercial and less than 10% of the assigned moorings are currently assigned to persons fitting this description, the next mooring available shall be assigned to the first such person on the list. If both nonresident noncommercial and nonresident commercial assignments are below 10% and there are both types of applicants on the waiting list, the available space shall be assigned to an applicant in the category that is the farthest below 10%. The burden of proof in determining residence and the principal use of a vessel shall be upon the applicant.

Each year, persons with mooring assignments shall report to the harbor master their anticipated residency status for the next year and whether they anticipate the principal use of their boats to be commercial or noncommercial. The harbor master shall update the percentage of mooring holders in each category from this data.

It is not a requirement of this section that a person lose a current mooring assignment to meet the objectives of this section.

Shorefront property owners shall be assigned mooring privileges as established in section 3.

If the mooring fee charged to nonresidents exceeds \$20 a year, the fee charged shall be reasonable in relation to the costs involved in providing that mooring and shall not exceed 5 times the amount charged to residents.

This subsection shall be construed broadly in order to accomplish the distribution of moorings to nonresidents as specified in this section.

[ 1987, c. 655, §6 (NEW) . ]

### SECTION HISTORY

1987, c. 655, §6 (NEW).

## §8. WAITING LIST

Whenever there are more applicants for a mooring assignment than there are mooring spaces available, the harbor master or other town official shall create a waiting list. The town officials shall work out a reasonable procedure for persons to add their names to this list. The procedure shall be posted in a public place. The list shall be considered a public document under the freedom of access law. [1987, c. 412, §§ 7, 8 (NEW) . ]

### SECTION HISTORY

1987, c. 412, §§7,8 (NEW).

## §9. ABANDONMENT OF WATERCRAFT

No person may bring into or maintain in the harbor any derelict watercraft, watercraft for salvage, or abandon any watercraft in the harbor without a permit from the harbor master or, if there is no harbor master, the appropriate municipal official. Whoever does so without permit is guilty of a Class E crime. Watercraft which are to be salvaged by firms licensed by the State to do salvage work shall be excluded from this section. The municipal board or commission entrusted with harbor management shall be the sole determiner as to what constitutes a watercraft that is derelict and what constitutes a watercraft that is abandoned. [1987, c. 412, §§ 7, 8 (NEW).]

### SECTION HISTORY

1987, c. 412, §§7,8 (NEW).

## §10. HARBOR MASTER LIABILITY

In addition to the immunities from liability and the limitations and defenses provided under the Maine Tort Claims Act, Title 14, sections 8103, 8111 and 8112, a harbor master who, in the performance of statutory duties as set forth in sections 4 and 5, causes any damage to property or any injury to a person shall not be liable for damage or injury, unless the damage or injury is a direct result of the gross negligence, gross recklessness or bad faith intentional misconduct of the harbor master. [1987, c. 655, §7 (AMD).]

### SECTION HISTORY

1987, c. 412, §§7,8 (NEW). 1987, c. 655, §7 (AMD).

## §11. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 548, Pt. D, §9 (AMD).]

**1. Municipal resident.** "Municipal resident" means any person who occupies a dwelling within the municipality for more than 180 days in a calendar year. A municipality may by ordinance include other persons in the definition of resident.

[ 1987, c. 412, §§ 7, 8 (NEW) .]

**2. Parcel of land.** "Parcel of land" means the larger of the minimal buildable lot size in the municipality or 20,000 square feet and, in either case, including 100 feet of shoreline frontage.

[ 1987, c. 412, §§ 7, 8 (NEW) .]

**3. Watercraft.** "Watercraft" means any type of vessel, boat, barge, float or craft used or capable of being used as a means of transportation on water other than a seaplane.

[ 1987, c. 412, §§ 7, 8 (NEW) .]

### SECTION HISTORY

1987, c. 412, §§7,8 (NEW). 1991, c. 548, §D9 (AMD).

## §12. VIOLATION OF SUBCHAPTER

Except as provided in section 13, a violation of this subchapter or any harbor ordinance may be prosecuted and relief, fees, fines and penalties granted and assessed pursuant to the provisions of Title 30-A, section 4452. [1991, c. 262, §1 (AMD).]

### SECTION HISTORY

1987, c. 655, §8 (NEW). 1989, c. 287, §5 (RPR). 1991, c. 262, §1 (AMD).

## §13. FAILURE TO OBEY ORDERS OF HARBORMASTERS

**1. Offense defined.** A person is guilty of failure to obey an order of a harbormaster if the person intentionally, knowingly or recklessly fails to obey any lawful order of a harbormaster authorized pursuant to this subchapter.

[ 1991, c. 262, §2 (NEW) . ]

**2. Penalty.** Failure to obey an order of a harbormaster is a Class E crime.

[ 1991, c. 262, §2 (NEW) . ]

### SECTION HISTORY

1991, c. 262, §2 (NEW) .

## Subchapter 2: PORT WARDENS

### §41. ELECTION; QUALIFICATIONS; TERM; REMOVAL; VACANCIES; RECORDS

Port wardens shall be elected in any city or town situated on navigable waters upon the petition of 10 or more citizens engaged in commercial pursuits therein.

If in such city or town there is a board of trade duly incorporated, said board shall annually elect the port warden. Otherwise the municipal officers thereof shall annually elect him.

Port wardens shall be men of commercial or nautical experience and shall hold office one year from each election and until others are qualified in their stead, except when removed for cause or when elected to serve out an unexpired term. They shall be sworn faithfully to perform their duties.

Said boards of trade, by their managers, or said municipal officers shall forthwith on complaint of any person aggrieved, after hearing, remove for cause any port warden by them elected, and all vacancies shall be filled by said authorities.

Port wardens shall make a record of their doings and keep the same in their office for inspection at any time, free of charge, by any person interested therein.

### §42. DUTIES; VESSELS ARRIVING

When requested by any person interested, port wardens shall proceed on board of any vessel on her arrival in port and survey her hatches and notice if they are properly caulked and secured, and if they have been opened by some person not a port warden, that fact shall be noticed, and all the facts in relation to the hatches of said vessel shall be entered in the official record. They shall examine the condition and stowage of the cargo of any vessel, and if any portion of it is found to be damaged, they shall inquire into and ascertain the cause thereof, and make a memorandum of the same, noting particularly the marks and numbers of each damaged package, and shall enter the same in full in the records of their office. For the purpose of ascertaining the extent of said damage, they shall examine goods, wares or merchandise of any description in any warehouse or store, or on any wharf or at any place where the same are, provided said goods, wares or merchandise are part of the cargo and are claimed to be damaged. They shall note particularly the marks and numbers of every package examined by them and the extent of the damage received, and all the facts in relation thereto shall be entered in the records of their office.

### **§43. -- DISTRESSED VESSELS**

When requested in writing by any person interested, port wardens shall survey the cargo of any vessel arriving in port in distress, and shall make and record in the books of their office, a full and particular report of the condition of said cargo, and of their recommendations in relation to the disposal of such portions of the same as in their judgment may not be in condition for reshipment, reference being had to the best interests of all concerned.

### **§44. -- WRECKED OR DAMAGED VESSELS**

When requested in writing by any person interested, port wardens shall survey any vessel which may have suffered wreck or damage, or which may be deemed unseaworthy. Such port wardens shall call to their assistance one merchant and one shipwright, both of whom shall be competent and disinterested persons and shall be sworn faithfully to perform their duties in the examination and survey. Said surveyors and port wardens shall examine the hull, spars, sails, rigging and all the appurtenances of said vessel, and make and record in the books of the port wardens' office a full and particular report of all the surveys by them held on said vessel, specifying what damage she has sustained and what repairs in their opinion are necessary to render her again seaworthy. The aforesaid report shall be presumptive evidence of the necessity of such repairs and of the sufficiency of the same when made.

### **§45. FEES**

Port wardens shall be allowed fees to be paid by the person requesting their services, as follows: For survey of hatches, \$2; for each survey of cargo on shipboard, \$1; for certificate of stowage of cargo, \$2; for each subsequent certificate, \$1; for each survey to ascertain extent of damage, \$2; for each certificate thereof, \$2; for each survey required by section 43, \$4; for each certificate thereof, \$2; on each survey as required by section 44 for each person, \$2; for each certificate thereof, \$2.

### **§46. JURISDICTION; IMPERSONATION; PENALTY**

In the cities and towns for which they are elected, port wardens shall have exclusive jurisdiction in all matters pertaining to their duties, as specified in this subchapter and subchapters III, IV and V. Any other person who performs or attempts to perform any such duties in any city or town wherein there is a port warden forfeits for each offense \$100, to be recovered in a civil action by any prosecutor.

## **Subchapter 3: PILOTS**

### **§81. APPOINTMENT; BOND**

*(REPEALED)*

#### **SECTION HISTORY**

1975, c. 771, §413 (AMD). 1985, c. 389, §27 (RP).

### **§82. DUTIES**

*(REPEALED)*

#### **SECTION HISTORY**

1985, c. 389, §29 (RP).

### **§83. FEES; COMPLAINTS; SUSPENSION OR REMOVAL**

*(REPEALED)*

#### **SECTION HISTORY**

1975, c. 771, §414 (AMD). 1985, c. 389, §30 (RP).

## §84. LIABILITY FOR DAMAGE

*(REPEALED)*

### SECTION HISTORY

1985, c. 389, §31 (RP).

## §85. DECLARATION OF POLICY

It is declared to be the policy and intent of the Legislature and the purpose of this subchapter to provide for a system of state pilotage in order to provide maximum safety from the dangers of navigation for vessels entering or leaving the waters described in this subchapter, to maintain a state pilotage system devoted to the preservation and protection of lives, property, the environment and vessels entering or leaving these waters at the highest standard of efficiency and to insure the availability of pilots well qualified for the discharge of their duties in aid of commerce and navigation. [1999, c. 355, §2 (AMD).]

### SECTION HISTORY

1969, c. 410, §1 (NEW). 1985, c. 389, §32 (AMD). 1999, c. 355, §2 (AMD).

## §85-A. DEFINITIONS

*(REPEALED)*

### SECTION HISTORY

1983, c. 758, §13 (NEW). 1991, c. 509, §46 (AMD). 1997, c. 727, §C17 (AMD). 1999, c. 355, §3 (RP).

## §85-B. DEFINITIONS

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings. [1999, c. 355, §4 (NEW).]

**1. Actively piloting.** "Actively piloting" means a person licensed as a pilot by the commission who is engaged in providing pilot services on a regular and ongoing basis within the area for which that person is licensed.

[ 1999, c. 355, §4 (NEW) . ]

**2. Coastal waters.** "Coastal waters" means the jurisdictional area of the commission, which waters are all coastal navigable waters that are contained within, flow through, or border upon the State or any portion thereof, including those portions of the Atlantic Ocean within the jurisdiction of the State, up to state or international boundaries, and including all waters between Isle au Haut and Seal Island westward of a straight line between Western Ear Ledge on Isle au Haut drawn to Eastern Ledge on Seal Island.

[ 1999, c. 355, §4 (NEW) . ]

**3. Coastal zones.** "Coastal zones" means the 3 areas of Maine coastal waters relevant to the commission membership, Calais to Schoodic Point, Schoodic Point to Port Clyde, and Port Clyde to Kittery, excepting the port of Portland and Casco Bay.

[ 1999, c. 355, §4 (NEW) . ]

**4. Commission.** "Commission" means the Maine Pilotage Commission.

[ 1999, c. 355, §4 (NEW) . ]

**5. Commissioner.** "Commissioner" means the Commissioner of Transportation.

[ 1999, c. 355, §4 (NEW) .]

**6. Department.** "Department" means the Department of Transportation.

[ 1999, c. 355, §4 (NEW) .]

**7. Pilotage areas.** "Pilotage areas" means specific areas of the Maine coast where the commission has established licensing requirements.

[ 1999, c. 355, §4 (NEW) .]

#### SECTION HISTORY

1999, c. 355, §4 (NEW).

## §86. VESSELS REQUIRED TO TAKE PILOT

Every foreign vessel and every American vessel under register, with a draft of 9 feet or more, entering or departing from any port or harbor within the waters described in section 86-A must take a pilot licensed under this chapter. Any master, owner, agent or consignee that fails to take a pilot licensed under this subchapter is subject to a civil penalty not to exceed \$15,000 per day, payable to the State. This penalty is recoverable in a civil action. [1999, c. 355, §5 (AMD).]

#### SECTION HISTORY

1969, c. 410, §1 (NEW). 1985, c. 389, §32 (AMD). 1991, c. 698, §2 (AMD). 1999, c. 355, §5 (AMD).

## §86-A. JURISDICTION OVER COASTAL WATERS AND RIVERS

This subchapter applies to all Maine coastal waters and navigable waters with the exception of:

[1987, c. 689, §1 (RPR).]

**1. Piscataqua River.** The Piscataqua River;

[ 1987, c. 689, §1 (RPR) .]

**2. Exempt waters.** Those waters specifically exempted by the Maine Pilotage Commission; or

[ 1999, c. 355, §6 (AMD) .]

**3. Portland harbor.** Those waters specifically governed by the Board of Harbor Commissioners for the Harbor of Portland.

[ 1987, c. 689, §1 (RPR) .]

**4. Frenchman's Bay.**

[ 1987, c. 689, §1 (RP) .]

**5. Eastport Harbor, Cobscook Bay, Penamquan River and Friar Roads.**

[ 1987, c. 689, §1 (RP) .]

#### SECTION HISTORY

1985, c. 389, §33 (NEW). 1987, c. 689, §1 (RPR). 1999, c. 355, §6 (AMD).

## §87. VESSELS EXEMPT

*(REPEALED)*

### SECTION HISTORY

1969, c. 410, §1 (NEW). 1985, c. 389, §34 (RP).

## §87-A. EXCEPTIONS

**1. Vessels exempt.** This subchapter does not apply to:

A. Vessels under enrollment; [1985, c. 389, §35 (NEW).]

B. Fishing vessels; [1985, c. 389, §35 (NEW).]

C. Vessels powered predominantly by sail; [1999, c. 355, §7 (AMD).]

D. [2011, c. 498, §1 (RP).]

E. All military ships navigating the Kennebec River to and from the Bath Iron Works Corporation for the purpose of accomplishing overhaul, repair, post shakedown availability and sea trials; and [2011, c. 14, §2 (AMD).]

F. Noncommercial foreign vessels with overall length of under 253 feet. [2015, c. 14, §1 (AMD).]

[ 2015, c. 14, §1 (AMD) .]

**2. Limitation.** If any such vessel employs a pilot, the pilot is entitled to receive as compensation for that pilot's service pilotage fees in the amount established by the commission.

[ 1999, c. 355, §7 (AMD) .]

### SECTION HISTORY

1985, c. 389, §35 (NEW). 1999, c. 355, §7 (AMD). 2011, c. 14, §§1-3 (AMD). 2011, c. 498, §1 (AMD). 2015, c. 14, §1 (AMD).

## §88. PILOTING WITHOUT LICENSE

It is unlawful for any person not licensed as a pilot under this subchapter to pilot or offer to pilot a vessel not exempt from this subchapter. Any person found to be in violation of this subchapter must be assessed a fine not to exceed \$5,000 for each instance of piloting, or offering to pilot without a license. Violation of this provision is a Class E crime. [1999, c. 355, §8 (AMD).]

### SECTION HISTORY

1969, c. 410, §1 (NEW). 1977, c. 696, §332 (AMD). 1999, c. 355, §8 (AMD).

## §89. MAINE PILOTAGE COMMISSION MEMBERS

The Maine Pilotage Commission, as established by Title 5, section 12004-A, subsection 40, consists of 7 members who are citizens of the United States and the State of Maine appointed by the Governor as follows: Three licensed pilots who are actively piloting, one member from each of the coastal zones; 2 members who are not licensed pilots but are from a maritime industry that utilizes the services of pilots; and 2 members representing the public who are not licensed pilots but have a maritime background. Appointments are for

3-year terms. Appointments of members must comply with Title 10, section 8009. The members of the commission are entitled to compensation according to Title 5, chapter 379. [2007, c. 695, Pt. B, §23 (AMD).]

#### SECTION HISTORY

1969, c. 410, §1 (NEW). 1975, c. 771, §415 (AMD). 1983, c. 812, §288 (AMD). 1985, c. 389, §36 (RPR). 1989, c. 503, §B174 (AMD). 1993, c. 600, §A281 (AMD). 1999, c. 355, §9 (AMD). 2007, c. 695, Pt. B, §23 (AMD).

## §90. DUTIES OF COMMISSION

**1. Duties.** The commission shall perform the duties set forth and such other duties as may be provided by law:

- A. Make, establish and enforce such rules and regulations not inconsistent with law that are binding upon all pilots licensed by the commission, and upon all parties employing such pilots; [1999, c. 355, §10 (AMD).]
- B. Make and establish rates of pilotage for those vessels that are subject to this subchapter; [1999, c. 355, §10 (AMD).]
- C. Establish and determine the qualifications of any person applying for a pilot's license and conduct examinations; [1969, c. 410, §1 (NEW).]
- D. Issue any pilot's license in accordance with this subchapter and initiate proceedings to suspend or revoke these licenses; [1999, c. 355, §11 (AMD).]
- E. Cause the laws, rules and regulations concerning pilots and pilotage matters to be fully observed and executed; [1969, c. 410, §1 (NEW).]
- F. Hear and decide complaints made in writing or initiated on its own motion against any pilot for any misbehavior, neglect of, or breach of rules or regulations that it determines material to be investigated; [1999, c. 355, §12 (AMD).]
- G. Hear and decide complaints made in writing by any pilot against any charterer, owner, agent, master or seaman of a vessel for any misbehavior toward such pilot in the performance of his duty, or any breach of the rules and regulations; [1969, c. 410, §1 (NEW).]
- H. [1991, c. 837, Pt. A, §79 (RP).]
- I. To do all other things reasonable, necessary and expedient to insure proper and safe pilotage and to facilitate the efficient administration of this subchapter. [1999, c. 355, §12 (AMD).]

[ 1999, c. 355, §§10-12 (AMD) .]

#### SECTION HISTORY

1969, c. 410, §1 (NEW). 1977, c. 694, §747 (AMD). 1985, c. 389, §37 (AMD). 1991, c. 837, §A79 (AMD). 1999, c. 355, §§10-12 (AMD).

## §90-A. REPORTS; LIAISON; LIMITATIONS

On or before August 1st of each year, the commission shall submit to the commissioner for the preceding fiscal year ending June 30th its annual report of its operations and financial position, together with those comments and recommendations that the commission considers essential. [1999, c. 355, §13 (AMD).]

#### SECTION HISTORY

1977, c. 604, §42 (NEW). 1981, c. 456, §A121 (AMD). 1983, c. 758, §14 (AMD). 1999, c. 355, §13 (AMD).

## **§90-B. BUDGET**

The commission's budget must be prepared and submitted to the commissioner for approval. [1997, c. 727, Pt. C, §18 (AMD).]

### **SECTION HISTORY**

1977, c. 604, §42 (NEW). 1981, c. 456, §A122 (AMD). 1983, c. 758, §15 (AMD). 1995, c. 397, §125 (RPR). 1997, c. 727, §C18 (AMD).

## **§90-C. EMPLOYEES**

The commissioner may appoint employees as necessary. [1997, c. 727, Pt. C, §19 (AMD).]

### **SECTION HISTORY**

1983, c. 758, §16 (NEW). 1995, c. 397, §126 (NEW). 1997, c. 727, §C19 (AMD).

## **§91. QUALIFICATIONS OF LICENSEES**

Every person who applies for a license to act as a pilot in the waters covered in this subchapter must be a citizen of the United States and the State of Maine. If applicable, the applicant must possess a federal first class pilot's endorsement, issued by a duly constituted authority of the United States, covering areas for which the applicant is making application. The commission shall set standards for application, testing and granting of a state license. In those areas where no federal endorsement is available, the commission may set additional standards for a state license. An applicant for a license must satisfy the commission that the applicant has or will have proper means available for boarding and leaving vessels which the applicant may be called upon to pilot. [1999, c. 355, §14 (AMD).]

An applicant must complete a training trip in the area for which that person is making application under the direction of a licensed pilot actively piloting in that area. These training trips must be on vessels of at least 1600 gross tons. The commission shall establish standards for proof of such training and the minimum number of trips required. Once those standards are established, they may be amended only upon a 2/3 vote of the commission. [1999, c. 355, §14 (NEW).]

### **SECTION HISTORY**

1969, c. 410, §1 (NEW). 1985, c. 389, §38 (AMD). 1999, c. 355, §14 (AMD).

## **§92. DURATION AND RENEWAL OF LICENSES**

Licenses issued by the pilotage commission must be renewed every 5 years to coincide, if possible, with the renewal of the individual's federal license. [1999, c. 355, §15 (AMD).]

### **SECTION HISTORY**

1969, c. 410, §1 (NEW). 1983, c. 758, §17 (AMD). 1991, c. 509, §47 (AMD). 1999, c. 355, §15 (AMD).

## **§93. LICENSE FEES**

Every new application for a license to act as a pilot on coastal waters must be accompanied by an application fee of \$500 for the first pilotage area and \$50 for each successive pilotage area. Original and renewal license fees are \$375 for 5 years, regardless of number of areas being renewed. Licenses may be

renewed up to 90 days after the date of expiration upon payment of a late fee of \$100 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the licensing renewal date is subject to all requirements governing new applicants under this chapter. [1999, c. 355, §16 (AMD).]

A holder of a license on the effective date of this paragraph is not required to renew that license until the next expiration and renewal of the federal license. [1999, c. 355, §16 (AMD).]

#### SECTION HISTORY

1969, c. 410, §1 (NEW). 1991, c. 509, §48 (AMD). 1999, c. 355, §16 (AMD).

### **§94. ACCOUNTS OF FEES; PAYMENTS TO COMMISSION**

*(REPEALED)*

#### SECTION HISTORY

1969, c. 410, §1 (NEW). 1991, c. 509, §49 (AMD). 1999, c. 355, §17 (RP).

### **§95. PILOT'S BOND**

*(REPEALED)*

#### SECTION HISTORY

1969, c. 410, §1 (NEW). 1991, c. 509, §50 (RP).

### **§96. LAWFUL COMPENSATION**

No pilot shall demand or receive any greater, lesser or different compensation for piloting a vessel upon any of the pilotage grounds than is allowed by law. [1969, c. 410, §1 (NEW).]

#### SECTION HISTORY

1969, c. 410, §1 (NEW).

### **§97. AUTHORITY OF PILOTS**

A pilot licensed under this subchapter may pilot any vessel required to take a state pilot anywhere upon the pilotage area for which the pilot is licensed. [1999, c. 355, §18 (AMD).]

#### SECTION HISTORY

1969, c. 410, §1 (NEW). 1999, c. 355, §18 (AMD).

### **§98. COMMISSIONS PROHIBITED**

A master, agent, owner, charterer or consignee may not charge a commission or receive any payment directly or indirectly, for the assignment of pilotage, nor may any pilot pay or offer to pay to any person any commission for the assignment of pilotage. Any person violating this section commits a civil violation for which a forfeiture not to exceed \$5,000 may be adjudged for each violation. [1999, c. 355, §19 (AMD).]

#### SECTION HISTORY

1969, c. 410, §1 (NEW). 1977, c. 696, §333 (AMD). 1999, c. 355, §19 (AMD).

## §99. GROUNDS FOR DISCIPLINARY ACTION

The commission may suspend any pilot for any period that it may consider proper and may suspend, revoke or annul any pilot's license that is issued under this subchapter, upon satisfactory proof that a pilot has willfully disobeyed or violated any of the provisions of this subchapter or any rule established by the commission; or a pilot has negligently lost or damaged any vessel under that pilot's care; or a pilot is habitually intemperate in the use of alcohol or habitually uses narcotic or hypnotic or other substances so as to be unfit to be entrusted with the charge of a vessel; or the pilot is so mentally or physically incapable as to be unfit to carry on the duties of a pilot. [1999, c. 355, §20 (AMD).]

### SECTION HISTORY

1969, c. 410, §1 (NEW). 1977, c. 694, §748 (AMD). 1985, c. 389, §39 (AMD). 1999, c. 355, §20 (AMD).

## §99-A. PILOT LIABILITY

**1. Acts or omissions of another pilot; no liability.** A pilot is not liable directly or as a member of an organization of pilots for a claim that arises from an act or omission of another pilot or organization of pilots or that relates directly or indirectly to pilot services.

[ 1999, c. 355, §21 (NEW) .]

**2. Limitation on liability.** A pilot providing pilot services is not liable for more than \$5,000 in damages or loss caused by any negligent act or omission in the performance of pilot services. A pilot providing piloting services is liable for:

A. Damages or loss arising from the intentional, willful or reckless misconduct of the pilot; or [ 1999, c. 355, §21 (NEW) .]

B. Liability for exemplary damages for intentional, willful or reckless conduct of the pilot for which no other person is jointly or severally liable. [1999, c. 355, §21 (NEW) .]

[ 1999, c. 1, §52 (COR) .]

Nothing in this section may be construed to exempt an owner or operator of a vessel from liability for damage or loss caused by that vessel. [1999, c. 1, §52 (COR) .]

### SECTION HISTORY

RR 1999, c. 1, §52 (COR). 1999, c. 355, §21 (NEW).

## §100. NOTICE OF HEARING ON COMPLAINT

Before any person shall be proceeded against on any complaint, such person or pilot shall be notified in writing to appear before the commission. Such notice shall specify the nature and substance of such complaint and shall be served personally or by certified mail addressed to such pilot at his last and usual place of abode at least 15 days before the time fixed in the notice for his appearance. [1977, c. 694, §749 (AMD) .]

### SECTION HISTORY

1969, c. 410, §1 (NEW). 1977, c. 694, §749 (AMD).

## §100-A. CONFIDENTIALITY OF COMPLAINTS AND INVESTIGATIVE RECORDS

**1. During investigation.** All complaints and investigative records of the commission are confidential during the pendency of an investigation. Those records become public records upon the conclusion of an investigation unless confidentiality is required by some other provision of law. For purposes of this section, an investigation is concluded when:

- A. A notice of an adjudicatory hearing under Title 5, chapter 375, subchapter IV has been issued; [1999, c. 355, §22 (NEW).]
- B. The complaint has been listed on a meeting agenda of the commission; [1999, c. 355, §22 (NEW).]
- C. A consent agreement has been executed; or [1999, c. 355, §22 (NEW).]
- D. A letter of dismissal has been issued or the investigation has otherwise been closed. [1999, c. 355, §22 (NEW).]

[ 1999, c. 355, §22 (NEW) .]

**2. Exceptions.** Notwithstanding subsection 1, during the pendency of an investigation, a complaint or investigative record may be disclosed:

- A. To department employees designated by the commissioner; [1999, c. 355, §22 (NEW).]
- B. To designated complaint officers of the commission; [1999, c. 355, §22 (NEW).]
- C. By a department employee or complaint officer designated by the commissioner when and to the extent considered necessary to facilitate the investigation; [1999, c. 355, §22 (NEW).]
- D. To other state or federal agencies when the files contain evidence of possible violations of laws enforced by those agencies; [1999, c. 355, §22 (NEW).]
- E. When and to the extent considered necessary by the commissioner to avoid imminent and serious harm. The authority of the commissioner to make such a disclosure may not be delegated; [1999, c. 355, §22 (NEW).]
- F. Pursuant to rules adopted by the department, when it is determined that confidentiality is no longer warranted due to general public knowledge of the circumstances surrounding the complaint or investigation and when the investigation would not be prejudiced by the disclosure; and [1999, c. 355, §22 (NEW).]
- G. To the person investigated on that person's request. The commissioner may refuse to disclose part or all of any investigative information, including the fact of an investigation, when the commissioner determines that disclosure would prejudice the investigation. The authority of the commissioner to make such a determination may not be delegated. [1999, c. 1, §53 (COR).]

[ 1999, c. 1, §53 (COR) .]

**3. Violation.** A person who knowingly or intentionally makes a disclosure in violation of this section commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

[ 1999, c. 355, §22 (NEW) .]

### SECTION HISTORY

RR 1999, c. 1, §53 (COR). 1999, c. 355, §22 (NEW).

## §101. SURRENDER OF REVOKED OR SUSPENDED LICENSE

**1. Surrender of revoked or suspended license.** A pilot whose license has been revoked or suspended shall surrender the license to the commission, which shall retain it until the period of the pilot's suspension expires. A pilot whose license has been revoked or suspended who refuses to surrender the license on demand commits a civil violation for which a fine of not more than \$5,000 for each week after the demand that the pilot refuses to surrender the license may be adjudged.

[ 2003, c. 452, Pt. W, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**2. Continuing to pilot after revocation or suspension.** A pilot whose license has been revoked or suspended who continues to pilot commits a civil violation for which a fine of not more than \$5,000 for each vessel piloted without a license may be adjudged.

[ 2003, c. 452, Pt. W, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

**3. Publication.** The commission may cause to be published in a newspaper of general circulation published in the State a notice that that person has no authority to act as a pilot unless and until reinstated by law.

[ 2003, c. 452, Pt. W, §1 (NEW); 2003, c. 452, Pt. X, §2 (AFF) .]

### SECTION HISTORY

1969, c. 410, §1 (NEW). 1977, c. 696, §334 (RPR). 1999, c. 355, §23 (AMD). 2003, c. 452, §X2 (AFF). 2003, c. 452, §W1 (RPR).

## §102. REINSTATEMENT FOLLOWING SUSPENSION

Any pilot whose license has been suspended shall, following the expiration of the period of his suspension, be entitled to the reinstatement of his license, provided he shall possess the qualifications required of pilots as of the time his suspension expires. [1969, c. 410, §1 (NEW) .]

### SECTION HISTORY

1969, c. 410, §1 (NEW).

## §103. LAPSED

Any pilot heretofore licensed by the commission whose license lapses for any reason may be reinstated upon compliance with sections 91 and 93, as if applying for an initial license. [1999, c. 355, §24 (AMD) .]

### SECTION HISTORY

1969, c. 410, §1 (NEW). 1999, c. 355, §24 (AMD).

## §104. APPEALS FROM COMMISSION

Any person aggrieved by any final order or decision of the commission with respect to any disciplinary action or any application for, or denial of, a pilot's license may appeal therefrom to the Superior Court in accordance with the Maine Administrative Procedure Act. [1977, c. 694, §750 (RPR) .]

### SECTION HISTORY

1969, c. 410, §1 (NEW). 1973, c. 303, §3 (AMD). 1977, c. 694, §750 (RPR).

**§105. PILOTS CURRENTLY SERVING***(REPEALED)*

## SECTION HISTORY

1969, c. 410, §1 (NEW). 1979, c. 127, §206 (AMD). 1999, c. 355, §25 (RP).

**§106. DISPOSITION OF FEES**

All money received by the commission must be paid to the Treasurer of State and credited to the account for the commission within the budget of the Department of Transportation. [1997, c. 727, Pt. C, §20 (AMD).]

Money received by the commission must be used for the expenses of administering its statutory responsibilities, including, but not limited to, the costs of conducting investigations, taking testimony and procuring the attendance of witnesses, the costs of all legal proceedings initiated for enforcement and administrative expenses. [1995, c. 397, §127 (NEW).]

Any balance of these fees may not lapse but must be carried forward as a continuing account to be expended for the same purposes in the following fiscal years. [1995, c. 397, §127 (NEW).]

## SECTION HISTORY

1985, c. 389, §40 (NEW). 1995, c. 397, §127 (RPR). 1995, c. 502, §H48 (AMD). 1997, c. 727, §C20 (AMD).

**Subchapter 4: LIGHTERS AND HARBORS****§121. MARKING; INSPECTION AND RENEWAL**

Every boat or lighter employed in carrying stones, sand or gravel shall be marked at light-water mark, and at least 5 other places, with the figures 4, 12, 16, 24 and 30, legibly made on the stem and sternpost thereof, expressing the weight which such boat or lighter is capable of carrying, when the lower part of the respective numbers touches the water in which it floats. Such marks shall be inspected yearly, and when found illegible in whole or in part, they shall be renewed.

**§122. USE WITHOUT MARKS OR FALSE MARKS; PENALTY**

The master or owner who uses his craft without such marks prescribed in section 121 and any person who falsely marks any such boat or lighter forfeits \$50 to be recovered by any prosecutor in a civil action.

**§123. APPOINTMENT OF INSPECTORS; FEES; REMARKING OF BOATS**

The municipal officers of every town where boats and lighters are employed for the purposes set forth in section 121 shall annually, in April or May, appoint some suitable person who shall be sworn to examine and ascertain the capacities of all such boats and lighters, and mark them as prescribed. Said officers shall establish and regulate the fees therefor.

When such inspector thinks that the burden or capacity of any such boat or lighter is altered by repairs or otherwise, he shall forthwith ascertain the same anew and mark it accordingly.

## **§124. UNLAWFUL DISPOSAL OR TAKING OF BALLAST**

The master of any vessel who shall throw overboard ballast in any road, port or harbor commits a civil violation for which a forfeiture of \$60 may be adjudged. Any person who shall take any stone or other ballast from any island, beach or other land, without consent of the owner shall be liable for a civil penalty not to exceed \$7 for each violation, to be recovered in a civil action, 1/2 to the person bringing the action and 1/2 for the town where the violation is committed. [1977, c. 696, §335 (RPR).]

### SECTION HISTORY

1977, c. 696, §335 (RPR).

## **Subchapter 5: SHIP OWNERS**

## **§161. LIABILITY TO FREIGHTERS**

No ship owner is answerable beyond the amount of his interest in the vessel and freight for the embezzlement, loss or destruction, by the master and mariners, of any property put on board of such vessel, nor for any act of theirs without his privity or knowledge. If several owners of property on the same voyage suffer such damage and the whole vessel and her freight for the voyage are not sufficient to compensate each of them, they shall be compensated by the owner of the vessel in proportion to their respective losses, and for that purpose, they or the owner of the vessel, or any of them, may file a complaint for discovery and payment of the sum, for which said owner is liable to the parties entitled thereto.

## **§162. CHARTERER DEEMED OWNER; RESPONSIBILITY TO REAL OWNER**

For the purposes of section 161 the charterer of any vessel, navigating the same at his own expense, shall be deemed the owner. If loss happens to any person from the causes therein mentioned and it is compensated from the freight or vessel, the owner thereof may recover the amount from the charterer.

## **Subchapter 6: WATERCRAFT REGISTRATION AND SAFETY**

### **Article 1: GENERAL PROVISIONS**

## **§201. DEFINITIONS**

**(REPEALED)**

### SECTION HISTORY

1973, c. 17, §§1-3,18 (AMD). 1973, c. 513, §22 (AMD). 1975, c. 623, §64 (RP).

## **§202. LOCAL REGULATION PROHIBITED**

**(REPEALED)**

### SECTION HISTORY

1973, c. 513, §22 (AMD). 1975, c. 623, §65 (RP).

## **§203. DISPOSITION OF FINES AND FEES; WATERCRAFT FUND**

**(REPEALED)**

### SECTION HISTORY

1973, c. 17, §§4,18 (AMD). 1975, c. 623, §66 (RP).

## **§204. CERTIFICATE OF BUREAU HEAD AND BUREAU DIRECTOR ADMISSIBLE IN EVIDENCE**

**(REPEALED)**

## SECTION HISTORY

1969, c. 123, §2 (AMD). 1975, c. 623, §67 (RP).

**§205. ENFORCEMENT**

*(REPEALED)*

## SECTION HISTORY

1965, c. 431, §22 (RPR). 1969, c. 123, §3 (AMD). 1973, c. 17, §§5,18 (AMD). 1975, c. 623, §68 (RP).

**§206. PENALTIES**

*(REPEALED)*

## SECTION HISTORY

1975, c. 623, §69 (RP).

**Article 2: CONDITIONS AND RESTRICTIONS****§231. BUREAU OF WATERCRAFT REGISTRATION AND SAFETY**

*(REPEALED)*

## SECTION HISTORY

1971, c. 403, §47 (AMD). 1973, c. 15, (AMD). 1973, c. 17, §§6-9,18 (AMD). 1973, c. 513, §22 (AMD). 1973, c. 625, §§266,267 (AMD). 1973, c. 734, §2 (RP).

**§232. REGULATIONS; FORCE OF LAW; PENALTIES**

*(REPEALED)*

## SECTION HISTORY

1969, c. 123, §4 (AMD). 1971, c. 403, §48 (AMD). 1973, c. 734, §2 (RP).

**§233. CERTIFICATE REQUIRED; DISPLAY OF NUMBERS AND VALIDATION STICKERS**

*(REPEALED)*

## SECTION HISTORY

1965, c. 14, (AMD). 1969, c. 123, §5 (AMD). 1973, c. 17, §§10,18 (RPR). 1973, c. 734, §2 (RP).

**§234. APPLICATION AND ISSUANCE; FEES**

*(REPEALED)*

## SECTION HISTORY

1967, c. 4, (AMD). 1967, c. 480, §§3,4 (AMD). 1969, c. 558, §§2-A TO 5 (AMD). 1973, c. 17, §§11,18 (RPR). 1973, c. 734, §2 (RP).

**§235. NOTICE OF DESTRUCTION, ABANDONMENT, REMOVAL, TRANSFER OF OWNERSHIP, CHANGE OF ADDRESS**

*(REPEALED)*

## SECTION HISTORY

1973, c. 17, §§12,18 (RPR). 1973, c. 734, §2 (RP).

**§236. MOTORBOATS CARRYING PASSENGERS FOR HIRE**

*(REPEALED)*

## SECTION HISTORY

1973, c. 17, §§13,18 (RPR). 1973, c. 734, §2 (RP).

**§237. OPERATION OF WATERCRAFT**

*(REPEALED)*

## SECTION HISTORY

1969, c. 61, (AMD). 1969, c. 123, §§6,7 (AMD). 1969, c. 504, §§50-A (AMD). 1969, c. 590, §§70,71 (AMD). 1973, c. 17, §§14,18 (AMD). 1973, c. 734, §2 (RP).

**§238. SAFETY EQUIPMENT AND REGATTAS**

*(REPEALED)*

## SECTION HISTORY

1967, c. 16, (AMD). 1969, c. 243, §1 (AMD). 1971, c. 120, §§1,2 (AMD). 1973, c. 17, §§15,18 (RPR). 1973, c. 282, §1 (AMD). 1973, c. 734, §2 (RP).

**§239. ACCIDENTS**

*(REPEALED)*

## SECTION HISTORY

1973, c. 17, §16 (AMD). 1973, c. 734, §2 (RP).

**§240. RESTRICTIONS ON POWER BOATS; PORTAGE LAKE AND QUIMBY POND**

*(REPEALED)*

## SECTION HISTORY

1971, c. 403, §49 (AMD). 1973, c. 734, §2 (RP).

**§241. -- JERRY POND**

*(REPEALED)*

## SECTION HISTORY

1973, c. 734, §2 (RP).

**§242. -- OX BROOK LAKE**

*(REPEALED)*

## SECTION HISTORY

1967, c. 43, (NEW). 1967, c. 76, (NEW). 1967, c. 544, §98 (RP). 1973, c. 734, §2 (RP).

**§243. -- NESOWADNEHUNK (SOURDNAHUNK) LAKE**  
**(REPEALED)**

## SECTION HISTORY

1967, c. 165, (NEW). 1973, c. 734, §2 (RP).

**§244. -- EAGLE LAKE, JORDAN POND AND LONG POND; USE OF POWER BOATS**  
**(REPEALED)**

## SECTION HISTORY

1967, c. 544, §99 (NEW). 1971, c. 34, (AMD). 1973, c. 734, §2 (RP).

**§245. -- SNOW'S POND; USE OF POWER BOATS**  
**(REPEALED)**

## SECTION HISTORY

1971, c. 33, (NEW). 1971, c. 67, (NEW). 1971, c. 544, §124 (RP). 1975, c. 623, §70 (RP).

**§246. -- LONG POND, OXFORD COUNTY**  
**(REPEALED)**

## SECTION HISTORY

1971, c. 544, §125 (NEW). 1975, c. 623, §71 (RP).

**§247. -- LILY POND; USE OF POWER BOATS**  
**(REPEALED)**

## SECTION HISTORY

1971, c. 75, (NEW). 1975, c. 623, §72 (RP).

**Subchapter 7: OPERATING RESTRICTIONS****§281. SPEED RESTRICTIONS**

Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State at a speed greater than is reasonable and proper, having due regard for traffic, proximity to wharves, docks, moorings or shores, and for any other conditions then existing, shall be guilty of a Class E crime. [1977, c. 696, §336 (RPR).]

## SECTION HISTORY

1977, c. 696, §336 (RPR).

**§282. ENDANGERING PERSONS OR PROPERTY**

Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State in a manner which endangers any person or property shall be guilty of a Class E crime. [1977, c. 696, §337 (RPR).]

## SECTION HISTORY

1977, c. 696, §337 (RPR).

**§283. OPERATING RECKLESSLY**

Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State recklessly shall be guilty of a Class E crime. [1977, c. 696, §338 (RPR).]

## SECTION HISTORY

1977, c. 696, §338 (RPR).

**§284. OPERATION UNDER INFLUENCE OF DRUGS OR LIQUOR**

Whoever operates any watercraft, vessel, water skis, surfboard, similar device or motorboat, however propelled, upon the tidewaters of any municipality or upon any of the offshore waters within the jurisdiction of this State while intoxicated or under the influence of any narcotic drug, barbiturate or marijuana, shall be guilty of a Class E crime. [1977, c. 696, §339 (RPR).]

## SECTION HISTORY

1977, c. 696, §339 (RPR).

**§285. ENFORCEMENT OF OPERATING RESTRICTIONS**

Every law enforcement officer in this State, including harbor masters and their deputies, shall have the authority to enforce this subchapter, and in the exercise thereof shall have the authority to stop and board any such watercraft, vessel or motorboat found in violation of said subchapter. It shall be unlawful for the operator of any such watercraft, vessel or motorboat to fail to stop upon hail from any such officer, and a violation of the same shall be punished as provided in section 282.

**Subchapter 8: PUBLIC FACILITIES FOR BOATS****§321. DIRECTOR OF THE BUREAU OF PARKS AND LANDS; DUTIES**

*(REPEALED)*

## SECTION HISTORY

1967, c. 103, §1 (AMD). 1971, c. 165, §1 (AMD). 1971, c. 593, §22 (AMD). 1971, c. 622, §134 (AMD). 1973, c. 460, §19 (AMD). 1983, c. 819, §A61 (AMD). 1987, c. 674, §1 (AMD). 1989, c. 240, §2 (AMD). 1995, c. 502, §E30 (AMD). 1997, c. 678, §23 (RP).

**§321-A. POWERS**

*(REPEALED)*

## SECTION HISTORY

1967, c. 103, §2 (NEW). 1973, c. 460, §19 (AMD). 1975, c. 771, §§416,417 (AMD). 1979, c. 541, §A262 (AMD). 1989, c. 160, §6 (AMD). 1995, c. 502, §E30 (AMD). 1997, c. 678, §23 (RP).

**§322. BOATING FACILITIES FUND*****(REPEALED)***

## SECTION HISTORY

1965, c. 395, §5 (AMD). 1973, c. 460, §19 (AMD). 1995, c. 502, §E30 (AMD). 1997, c. 678, §23 (RP).

**§323. FEES*****(REPEALED)***

## SECTION HISTORY

1965, c. 173, (AMD). 1969, c. 520, (AMD). 1971, c. 165, §2 (AMD). 1973, c. 460, §19 (AMD). 1987, c. 308, §11 (AMD). 1995, c. 502, §E30 (AMD). 1997, c. 678, §23 (RP).

**§324. LEASES*****(REPEALED)***

## SECTION HISTORY

1967, c. 103, §3 (AMD). 1973, c. 460, §19 (AMD). 1995, c. 502, §E30 (AMD). 1997, c. 678, §23 (RP).

**§325. GRANTS-IN-AID*****(REPEALED)***

## SECTION HISTORY

1967, c. 103, §4 (NEW). 1973, c. 460, §19 (AMD). 1975, c. 28, (AMD). 1977, c. 360, §§31,32 (AMD). 1995, c. 502, §E30 (AMD). 1997, c. 678, §23 (RP).

**§326. VIOLATION OF RULES AND REGULATIONS*****(REPEALED)***

## SECTION HISTORY

1967, c. 103, §4 (NEW). 1971, c. 165, §3 (AMD). 1973, c. 460, §19 (AMD). 1977, c. 696, §340 (RPR). 1995, c. 502, §E30 (AMD). 1997, c. 678, §23 (RP).

**§327. DISTRICT AND SUPERIOR COURTS HAVE CONCURRENT JURISDICTION*****(REPEALED)***

## SECTION HISTORY

1967, c. 103, §4 (NEW). 1997, c. 678, §23 (RP).

**§328. REAL ESTATE ACQUIRED SUBJECT TO MILL ACT*****(REPEALED)***

## SECTION HISTORY

1967, c. 103, §4 (NEW). 1997, c. 678, §23 (RP).

## §329. PENALTIES

*(REPEALED)*

### SECTION HISTORY

1971, c. 165, §4 (NEW). 1971, c. 622, §133 (AMD). 1973, c. 460, §19 (AMD). 1977, c. 696, §341 (RPR). 1987, c. 674, §2 (AMD). 1997, c. 678, §23 (RP).

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